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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**In re CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION**

Master Case No. 3:07-cv-05944 SC
MDL No. 1917

This Document Relates to:

**DECLARATION OF DAVID L. YOHAI
IN SUPPORT OF DEFENDANTS'
JOINT MOTION FOR PARTIAL
SUMMARY JUDGMENT AGAINST
INDIRECT PURCHASER PLAINTIFFS
AND CERTAIN DIRECT ACTION
PLAINTIFFS FOR LACK OF
ANTITRUST INJURY AND
ANTITRUST STANDING UNDER
FEDERAL AND CERTAIN STATE
LAWS**

ALL INDIRECT-PURCHASER ACTIONS

**DECLARATION OF DAVID L. YOHAI
IN SUPPORT OF DEFENDANTS'
JOINT MOTION FOR PARTIAL
SUMMARY JUDGMENT AGAINST
INDIRECT PURCHASER PLAINTIFFS
AND CERTAIN DIRECT ACTION
PLAINTIFFS FOR LACK OF
ANTITRUST INJURY AND
ANTITRUST STANDING UNDER
FEDERAL AND CERTAIN STATE
LAWS**

Electrograph Sys., Inc., et al. v. Hitachi, Ltd., et al. No. 11-cv-01656:

**DECLARATION OF DAVID L. YOHAI
IN SUPPORT OF DEFENDANTS'
JOINT MOTION FOR PARTIAL
SUMMARY JUDGMENT AGAINST
INDIRECT PURCHASER PLAINTIFFS
AND CERTAIN DIRECT ACTION
PLAINTIFFS FOR LACK OF
ANTITRUST INJURY AND
ANTITRUST STANDING UNDER
FEDERAL AND CERTAIN STATE
LAWS**

*Electrograph Sys., Inc., et al. v. Technicolor SA,
et al. No. 13-cv-05724.*

**DECLARATION OF DAVID L. YOHAI
IN SUPPORT OF DEFENDANTS'
JOINT MOTION FOR PARTIAL
SUMMARY JUDGMENT AGAINST
INDIRECT PURCHASER PLAINTIFFS
AND CERTAIN DIRECT ACTION
PLAINTIFFS FOR LACK OF
ANTITRUST INJURY AND
ANTITRUST STANDING UNDER
FEDERAL AND CERTAIN STATE
LAWS**

Siegel v. Hitachi, Ltd., et al., No. 11-cv-055

**DECLARATION OF DAVID L. YOHAI
IN SUPPORT OF DEFENDANTS'
JOINT MOTION FOR PARTIAL
SUMMARY JUDGMENT AGAINST
INDIRECT PURCHASER PLAINTIFFS
AND CERTAIN DIRECT ACTION
PLAINTIFFS FOR LACK OF
ANTITRUST INJURY AND
ANTITRUST STANDING UNDER
FEDERAL AND CERTAIN STATE
LAWS**

Siegel v. Technicolor SA, et al., No. 15 cv 05261;

**DECLARATION OF DAVID L. YOHAI
IN SUPPORT OF DEFENDANTS'
JOINT MOTION FOR PARTIAL
SUMMARY JUDGMENT AGAINST
INDIRECT PURCHASER PLAINTIFFS
AND CERTAIN DIRECT ACTION
PLAINTIFFS FOR LACK OF
ANTITRUST INJURY AND
ANTITRUST STANDING UNDER
FEDERAL AND CERTAIN STATE
LAWS**

Best Buy Co., Inc., et al. v. Hulett, Ltd., et al.,
No. 11-cv-05513;

**DECLARATION OF DAVID L. YOHAI
IN SUPPORT OF DEFENDANTS'
JOINT MOTION FOR PARTIAL
SUMMARY JUDGMENT AGAINST
INDIRECT PURCHASER PLAINTIFFS
AND CERTAIN DIRECT ACTION
PLAINTIFFS FOR LACK OF
ANTITRUST INJURY AND
ANTITRUST STANDING UNDER
FEDERAL AND CERTAIN STATE
LAWS**

1 I, David L. Yohai, hereby declare as follows:

2 1. I am a partner at Weil, Gotshal & Manges LLP, counsel for Defendants Panasonic
 3 Corporation, Panasonic Corporation of North America, and MT Picture Display Co., Ltd.
 4 (collectively, the “Panasonic Defendants”) in these actions. I am a member of the bar of the State of
 5 New York and I am admitted to practice before this Court *pro hac vice*.

6 2. I submit this Declaration in support of the Defendants’ Joint Notice of Motion and
 7 Motion for Partial Summary Judgment Against Indirect Purchaser Plaintiffs and Certain Direct
 8 Action Plaintiffs for Lack of Antitrust Injury and Antitrust Standing under Federal and Certain State
 9 Laws. I have personal knowledge of the facts stated herein and, if called as a witness, I could and
 10 would competently testify thereto.

11 3. Exhibit 1 is a true and correct copy of a letter dated October 14, 2014 from Craig A.
 12 Benson to Counsel for Defendants.

13 4. Exhibit 2 is a true and correct copy of a letter dated February 25, 2011 from Jeffrey L.
 14 Kessler to Mario Alioto and Guido Saveri.

15 5. Exhibit 3 is a true and correct copy of a letter dated July 17, 2012 from Philip J.
 16 Iovieno to Eva W. Cole and Molly M. Donovan.

17 6. Exhibit 4 is a true and correct copy of excerpts from the August 5, 2014 Expert
 18 Report of Defendants’ Joint Expert Janusz A. Ordover.

19 7. Exhibit 5 is a true and correct copy of the April 15, 2014 Expert Report of Indirect
 20 Purchaser Plaintiffs’ (“IPPs”) Expert Janet S. Netz.

21 8. Exhibit 6 is a true and correct copy of excerpts from the transcript of the July 17,
 22 2014 deposition of Kenneth Elzinga, joint expert witness of direct action plaintiffs (“DAPs”)
 23 Electrograph Systems, Inc. and Electrograph Technologies Corporation (“Electrograph”); Alfred H.
 24 Siegel, as Trustee of the Circuit City Stores, Inc. Liquidating Trust (“Circuit City”); Best Buy
 25 Company, Inc., Best Buy Purchasing LLC, Best Buy Enterprise Services, Inc., Best Buy Stores,
 26 L.P., Bestbuy.com, LLC, and Magnolia Hi-Fi, LLC (“Best Buy”); Target Corporation (“Target”);
 27 Interbond Corporation of America (d/b/a BrandsMart USA) (“Interbond/BrandsMart”); Office
 28 Depot, Inc. (“Office Depot”); CompuCom Systems, Inc. (“CompuCom”); Costco Wholesale

1 Corporation (“Costco”); P.C. Richard & Son Long Island Corporation (“P.C. Richard”); MARTA
 2 Cooperative of America, Inc. (“MARTA”); ABC Appliance, Inc. (d/b/a/ ABC Warehouse) (“ABC
 3 Warehouse”); Schultze Agency Services, LLC (“Tweeter”); Tech Data Corporation and Tech Data
 4 Product Management, Inc. (“Tech Data”); Dell Inc. and Dell Products L.P. (“Dell”); Sears, Roebuck
 5 and Company (“Sears”); Kmart Corporation (“Kmart”); and ViewSonic Corporation (“ViewSonic”).

6 9. Exhibit 7 is a true and correct copy of the April 15, 2014 Expert Report of DAPs’
 7 Joint Expert Kenneth Elzinga.

8 10. Exhibit 8 is a true and correct copy of excerpts from the April 15, 2014 Expert Report
 9 of DAP CompuCom’s Expert Alan Frankel.

10 11. Exhibit 9 is a true and correct copy of excerpts from the transcript of the April 23,
 11 2014 deposition of Steven Deason, a Fed. R. Civ. P. 30(b)(6) witness for Plaintiff Circuit City.

12 12. Exhibit 10 is a true and correct copy of excerpts from the transcript of the October 19,
 13 2012 deposition of Jeffrey Figone, a class representative in the IPP case.

14 13. Exhibit 11 is a true and correct copy of excerpts from the transcript of the April 23,
 15 2014 deposition of Brandy Fose, a Fed. R. Civ. P. 30(b)(6) witness for Plaintiff Circuit City.

16 14. Exhibit 12 is a true and correct copy of excerpts from the transcript of the October 11,
 17 2012 deposition of Alvin Guttman, a Fed. R. Civ. P. 30(b)(6) witness for District of Columbia IPP
 18 class representative Lawyer’s Choice Suites, Inc.

19 15. Exhibit 13 is a true and correct copy of excerpts from the transcript of the March 2,
 20 2012 deposition of Barry Kushner, a class representative in the IPP case.

21 16. Exhibit 14 is a true and correct copy of excerpts from the transcript of the July 11,
 22 2012 deposition of Yun Seok Lee (Yoon Suk Lee), a Fed. R. Civ. P. 30(b)(6) witness for defendants
 23 LG Electronics, Inc. and LG Electronics U.S.A., Inc.

24 17. Exhibit 15 is a true and correct copy of excerpts from the transcript of the June 12,
 25 2014 deposition of Frank Lincks, a Fed. R. Civ. P. 30(b)(6) witness for Plaintiff Electrograph.

26 18. Exhibit 16 is a true and correct copy of excerpts from the transcript of the June 19,
 27 2014 deposition of Wendy Linsky, a Fed. R. Civ. P. 30(b)(6) witness for Plaintiff Tech Data.

1 19. Exhibit 17 is a true and correct copy of excerpts from the transcript of the April 25,
 2 2012 deposition of Brian Luscher, a class representative in the IPP case.

3 20. Exhibit 18 is a true and correct copy of excerpts from the transcript of the June 25,
 4 2014 deposition of James McClave, joint expert witness of DAPs Electrograph, Circuit City, Best
 5 Buy, Target Corp., Interbond/BrandsMart, Office Depot, CompuCom, Costco, P.C. Richard,
 6 MARTA, ABC Warehouse, Tweeter, Tech Data, Dell, Sears, Kmart, and ViewSonic.

7 21. Exhibit 19 is a true and correct copy of excerpts from the transcript of the May 1,
 8 2014 deposition of Nikhil Nayar, a Fed. R. Civ. P. 30(b)(6) witness for Plaintiff Target.

9 22. Exhibit 20 is a true and correct copy of excerpts from the transcript of the June 27,
 10 2014 deposition of Janet Netz, the IPPs' expert witness.

11 23. Exhibit 21 is a true and correct copy of excerpts from the transcript of the May 20,
 12 2014 deposition of John O'Donnell, a Fed. R. Civ. P. 30(b)(6) witness for Plaintiff CompuCom.

13 24. Exhibit 22 is a true and correct copy of excerpts from the transcript of the November
 14 12, 2013 deposition of Thomas Pohmer, a Fed. R. Civ. P. 30(b)(6) witness for Plaintiff P.C. Richard.

15 25. Exhibit 23 is a true and correct copy of excerpts from the transcript of the April 24,
 16 2014 deposition of Chris Re, a Fed. R. Civ. P. 30(b)(6) witness for Plaintiff Tweeter.

17 26. Exhibit 24 is a true and correct copy of excerpts from the transcript of the December
 18 7, 2012 deposition of Geoffrey Shavey, a Fed. R. Civ. P. 30(b)(6) witness for Plaintiff Costco.

19 27. Exhibit 25 is a true and correct copy of excerpts from the transcript of the July 11,
 20 2014 deposition of James A. Smith, a Fed. R. Civ. P. 30(b)(6) witness for Plaintiff Sears.

21 28. Exhibit 26 is a true and correct copy of excerpts from the transcript of the July 18,
 22 2014 deposition of James A. Smith, a Fed. R. Civ. P. 30(b)(6) witness for Plaintiff Kmart.

23 29. Exhibit 27 is a true and correct copy of excerpts from the transcript of the March 27,
 24 2014 deposition of Constantin Tanas, an employee of Plaintiff ABC Warehouse.

25 30. Exhibit 28 is a true and correct copy of excerpts from the transcript of the February
 26 14, 2014 deposition of Robert Thompson, a Fed. R. Civ. P. 30(b)(6) witness for Plaintiff MARTA.

27 31. Exhibit 29 is a true and correct copy of excerpts from the transcript of the July 24,
 28 2014 deposition of Randall Wick, a Fed. R. Civ. P. 30(b)(6) witness for Plaintiff Office Depot.

32. Exhibit 30 is a true and correct copy of excerpts from the transcript of the June 24, 2014 deposition of Todd Williams, an employee of Plaintiff Target.

33. Exhibit 31 is a true and correct copy of excerpts from the transcript of the October 15, 2012 deposition of Louise Wood, a class representative in the IPP case.

34. Exhibit 32 is a true and correct copy of excerpts from the transcript of the October 10, 2014 deposition of Bonny Cheng, a Fed. R. Civ. P. 30(b)(6) witness for Plaintiff ViewSonic.

35. Exhibit 33 is a true and correct copy of Plaintiff ViewSonic Corporation's Supplemental Responses and Objections to Defendants Mitsubishi Electric Corporation, Mitsubishi Electric US, Inc., and Mitsubishi Electric Visual Solutions America, Inc.'s First Set of Interrogatories dated October 7, 2014.

36. Exhibit 34 is a true and correct copy of excerpts from the transcript of the March 14, 2012 deposition of Janet Ackerman, a class representative in the IPP case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 7, 2014 at New York, New York.

By: /s/ David L. Yohai
DAVID L. YOHAI